

RULE 3160 PRESCRIBED BURNING FEE (Adopted February 15, 2001; Amended December 19, 2002; Amended January 17, 2008; Amended April 16, 2015; Amended April 19, 2018, ~~effective July 1, 2019~~; Amended [rule adoption date])

~~Note: This rule is effective on and after July 1, 2019.~~

1.0 Purpose

The purpose of this rule is to provide revenue to fund programs necessary to implement Title 17, Subchapter 2 Smoke Management Guidelines for Agricultural and Prescribed Burning of the California Code of Regulations.

2.0 Applicability

This rule applies to any agency or person within the San Joaquin Valley Air Basin required to submit a smoke management plan pursuant to Title 17, Subchapter 2 Smoke Management Guidelines for Agricultural and Prescribed Burning of the California Code of Regulations.

3.0 Definitions

3.1 Acreage Burned: the number of acres reported to the District for the purpose of calculating fees. Depending on the type of burning conducted, the acreage burned shall be determined by the following methods:

3.1.1 For broadcast burning, the acreage burned is the number of blackened acres resulting from a project.

3.1.2 For pile burning, the acreage burned is the number of acres of a project treated by burning.

3.2 Public Benefit Prescribed Burn: a project determined by the APCO to directly or indirectly benefit the public interest and be beneficial to the state. In making this determination, a prescribed burn must be for one or more of the purposes set forth in California Public Resources Code section 4475(a), and support the goal of improving air quality by lessening the frequency and severity of future wildfires.

4.0 Fee

Any agency or person subject to the requirements of this rule shall be assessed a fee as established in accordance with sections 4.1, ~~4.2, and 4.3~~ through 4.4.

4.1 Fee Rates

- 4.1.1 The fee rate used to assess fees for broadcast burning shall be \$7.00 per acre burned.
- 4.1.2 The fee rate used to assess fees for pile burning shall be \$4.20 per acre burned.
- 4.1.3 The fee rate used to assess fees for burns that include pile burning and broadcast burning, of the same acreage, shall be \$7.00 per acre burned.

4.2 Reporting of Acreage Burned

By February 1, 2002 and each February 1 thereafter, each agency or person subject to this rule shall report to the District the acreage burned during the previous calendar year.

4.3 Fee Assessment

- 4.3.1 By May 1, 2002, and each May 1 thereafter, the APCO shall assess a fee on each agency or person subject to this rule. The assessed fee shall equal the product of the acreage burned the previous calendar year, minus 40 acres per property owner, and the fee rate set in section 4.1.
- 4.3.2 By June 30, 2002, and each June 30 thereafter, each agency or person shall remit the fee assessed to the District.

4.4 Fee Reduction for Public Benefit Prescribed Burns

- 4.4.1 Should the District receive funding through the state Prescribed Burn Reporting and Monitoring Support Program, or similar state or federal programs that provide the District with targeted funding to implement the District's Prescribed Burn program under Rule 4106, those funds may be used to offset or reduce the fees incurred by an agency or person conducting Public Benefit Prescribed Burns.
- 4.4.2 For each agency or person requesting a fee reduction: When reporting completed acres in accordance with section 4.2, each agency or person shall provide, in a manner approved by the District, the name of each prescribed burn project, acres burned, and whether it was a Public Benefit Prescribed Burn as defined in section 3.2. Sufficient justification must be provided to demonstrate that projects identified as Public Benefit Prescribed Burns meet the definition in section 3.2. The APCO shall retain the sole discretion to determine if a project qualifies as a Public Benefit Prescribed Burn.

4.4.3 If the District's allocation of state and federal funding to implement the prescribed burn program includes sufficient funds to reimburse the District for the revenue required to be collected for all Public Benefit Prescribed Burns under section 4.3 of this rule, then the fees for Public Benefit Prescribed Burns shall be waived. If the funds are not sufficient to fully reimburse the District for these projects, the District shall collect fees from each agency or person subject to this rule for the balance of those revenues in accordance with section 4.4.4.

4.4.4 The annual fee for each agency or person shall be reduced by a prorated portion of the funds received, determined as follows:

4.4.4.1 Determine fee revenue due for Public Benefit Prescribed Burn projects: the portion of each agency or person's fee from section 4.3 that is for Public Benefit Prescribed Burn projects, as reported in section 4.4.2.

4.4.4.2 Determine the agency or person's ratio: For each agency or person, it is the public benefit portion of their fee divided by the sum of the public benefit portions of the fees for all agencies and persons required to submit a smoke management plan.

4.4.4.3 Multiply the agency or person's ratio by the total amount of state or federal funding received. The agency or person's fee pursuant to section 4.3 shall be reduced by this amount.

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